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December 14, 2017

*(Via Electronic Filing and Regular Mail to Dan Mevec)*

Honorable Norman A. Mordue  
United States District Court  
Northern District of New York  
100 South Clinton Street  
Syracuse, New York 13261

Re: David Zehner v. Board of Education  
of the Jordan-Elbridge CSD, et. al.  
Civil Case No.: 5:11-cv-1202  
Our File: 13204.0008

Dear Judge Mordue:

As Your Honor is aware we represent David Zehner in the above-referenced matter. As per the electronically filed Notice on November 29, 2017, please be advised we signed the Notice, Consent and Reference of a Civil Action to a Magistrate Judge and forwarded same to opposing counsel for review and consent. We received a letter from Mr. Charles Spagnoli, dated December 7, 2017, on behalf of the District defendants, which is enclosed herein, advising that after careful consideration with his clients and the insurance carrier, they will not so consent. Therefore, we will not be able to proceed before the Magistrate Judge in this matter.

We appreciate Your Honor's time and consideration in this matter and the recommendation to proceed before the Judge Magistrate. If the Court has any further guidance or instructions regarding this matter and how to move it forward, then we would appreciate that also.

Very truly yours,

O'HARA, O'CONNELL & CIOTOLI

By: Stephen Ciotoli

SC/mas

Enclosure

cc: Dan Mevec, Esq.  
Charles C. Spagnoli, Esq.  
Jeffrey Hurd, Esq.

**THE LAW FIRM OF FRANK W. MILLER**

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December 7, 2017

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**Re: Zehner v. Jordan Elbridge CSD, et al.**  
**Civil Action No.: 5:11-cv-1202**

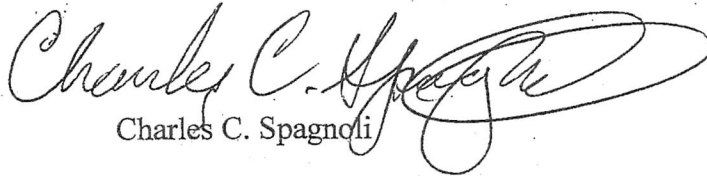
Dear Steve:

We are in receipt of your letter dated December 6, 2017, requesting that we execute a consent to the exercise of jurisdiction by the magistrate judge in this matter. After careful consultation with our clients and the insurance company, we advise that we will not so consent.

I hope you and yours have a happy holiday season.

Sincerely,

**THE LAW FIRM OF FRANK W. MILLER**

  
Charles C. Spagnoli

cc: Jeffrey Hurd, Esq.  
Dan Mevec, Esq.  
James Froio, Superintendent of Schools